

Office Of Public Defender-6108

Mission Statement - The mission of the Office of the State Public Defender is to ensure equal access to justice for the state's indigent. The statewide public defender system, created by passage of The Montana Public Defender Act contained in Title 47, Montana Code Annotated, requires the new system to be operational by July 1, 2006.

The Public Defender Commission is responsible for the design, direction, and supervision of the new system. The Commission appoints the chief public defender, approves the strategic plan for the delivery of services, approves statewide standards for qualifications and training of public defenders, and approves the overall design of the new statewide system. The Act provides for a one-year transition period for these tasks to be completed.

Statutory Authority - Title 47

Agency Proposed Budget							
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Exec. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Exec. Budget Fiscal 2009
FTE	90.25	102.25	0.00	192.50	102.25	0.00	192.50
Personal Services	320,686	10,569,442	0	10,890,128	10,582,421	0	10,903,107
Operating Expenses	332,105	7,712,739	275,000	8,319,844	7,603,259	275,000	8,210,364
Equipment	60,653	0	0	60,653	0	0	60,653
Total Costs	\$713,444	\$18,282,181	\$275,000	\$19,270,625	\$18,185,680	\$275,000	\$19,174,124
General Fund	713,444	18,282,181	200,000	19,195,625	18,185,680	200,000	19,099,124
State/Other Special	0	0	75,000	75,000	0	75,000	75,000
Total Funds	\$713,444	\$18,282,181	\$275,000	\$19,270,625	\$18,185,680	\$275,000	\$19,174,124

EXHIBIT 10

Office Of Public Defender-6108 Public Defender Office-01

Program Description - The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be financially unable to retain private counsel and who is accused of an offense that could result in the person's loss of life or liberty if convicted. The office administers the statewide public defender system that is supervised by the Public Defender Commission. The office is administratively attached to the Department of Administration but has authority in law to provide administrative functions as determined by the commission.

Program Proposed Budget							
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Exec. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Exec. Budget Fiscal 2009
FTE	87.25	97.25	0.00	184.50	97.25	0.00	184.50
Personal Services	320,686	10,092,071	0	10,412,757	10,104,513	0	10,425,199
Operating Expenses	332,105	7,615,710	275,000	8,222,815	7,505,713	275,000	8,112,818
Equipment	60,653	0	0	60,653	0	0	60,653
Total Costs	\$713,444	\$17,707,781	\$275,000	\$18,696,225	\$17,610,226	\$275,000	\$18,598,670
General Fund	713,444	17,707,781	200,000	18,621,225	17,610,226	200,000	18,523,670
State/Other Special	0	0	75,000	75,000	0	75,000	75,000
Total Funds	\$713,444	\$17,707,781	\$275,000	\$18,696,225	\$17,610,226	\$275,000	\$18,598,670

-----Present Law Adjustments-----

	<u>Total Agency Impact</u>	<u>General Fund Total</u>
FY 2008	\$10,712,693	\$10,712,693
FY 2009	\$10,658,642	\$10,658,642

PL- 101 - Office of Public Defender Funding Annualization -

This request will annualize funding for the newly created Office of the Public Defender for the 2009 Biennium. FY 2006 was a transition year with limited expenditures thus creating a substantially under funded base budget. On July 1, 2006 (FY 2007) the agency began operations by providing public defender services statewide. The Executive is requesting \$10,712,693 in FY 2008 and \$10,658,642 in FY 2009 of general fund authority to provide the Office of the Public Defender with essential operational funding. The request also includes the addition of 97.25 FTE to meet the long-range plan and mission of the Public Defender Commission which provides more defense services by state employed attorneys rather than by contracted attorneys.

	<u>Total Agency Impact</u>	<u>General Fund Total</u>
FY 2008	\$1,750,000	\$1,750,000
FY 2009	\$1,750,000	\$1,750,000

PL- 102 - Adjustment for Increase in Caseload -

This request is for \$1,750,000 general fund each fiscal year to fund the projected caseload increase in the 2009 biennium. This request is for a restricted appropriation that will only be used should the projected growth materialize.

**Office Of Public Defender-6108
Public Defender Office-01**

-----**New Proposals**-----

	<u>Total Agency Impact</u>	<u>General Fund Total</u>
FY 2008	\$200,000	\$200,000
FY 2009	\$200,000	\$200,000

NP- 104 - Fitness to Proceed and Related Costs -

Persons charged with a crime may need to be evaluated to assure the courts that they are 'fit to proceed' in the process. If a public defender requests an assessment, then the public defender system is responsible for the cost. These people are sent to Warm Springs or other medical facilities that can provide this assessment. The budget includes \$200,000 general fund each fiscal year to pay for these types of evaluations.

	<u>Total Agency Impact</u>	<u>General Fund Total</u>
FY 2008	\$75,000	\$0
FY 2009	\$75,000	\$0

NP- 105 - Misc. State Special Revenue Funding -

The Executive is requesting state special revenue funding in the Office of the Public Defender to enable the office to expend any funds they may receive in the various accounts they have been directed to establish in the enabling legislation. These funds will account for court ordered sentencing costs, payment from youths, crime victims compensation funds, grants, gifts or donations. These funds will be used to offset costs associated with technology purchases and/or training needs. This request is for \$75,000 each year of the biennium.

Office Of Public Defender-6108 Appellate Defender Office-02

Program Description - The Appellate Defender Program provides appeal services for indigent citizens.

The Public Defender Commission is responsible for the design, direction and supervision of the statewide public defender system, which includes the appellate section. The chief public defender, who is appointed by the Commission, selects the chief appellate defender, who supervises attorneys and support staff within the appellate office.

Program Proposed Budget							
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Exec. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Exec. Budget Fiscal 2009
FTE	3.00	5.00	0.00	8.00	5.00	0.00	8.00
Personal Services	0	477,371	0	477,371	477,908	0	477,908
Operating Expenses	0	97,029	0	97,029	97,546	0	97,546
Total Costs	\$0	\$574,400	\$0	\$574,400	\$575,454	\$0	\$575,454
General Fund	0	574,400	0	574,400	575,454	0	575,454
Total Funds	\$0	\$574,400	\$0	\$574,400	\$575,454	\$0	\$575,454

-----Present Law Adjustments-----

	<u>Total Agency Impact</u>	<u>General Fund Total</u>
FY 2008	\$374,857	\$374,857
FY 2009	\$375,684	\$375,684

PL- 101 - Appellate Defender Funding Annualization -

This request will annualize funding for the newly created Appellates Division of the Office of the Public Defender for the 2009 Biennium. The division was authorized by SB 146 passed by the 2005 Legislative session. On July 1, 2006 (FY 2007), the agency began operations by providing public defenders services statewide. The Executive is requesting \$374,857 in FY 2008 and \$375,684 in FY 2009 of general fund authority to provide the Appellate Division essential operational funding.